IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Bail Appl..No. 5562 of 2007()

[CRIME NO.329/2007 OF MEDICAL COLLEGE POLICE STATION]

PETITIONER/ACCUSED

J.K.ANEESH, S/O.JOSEPH KALAYIL
'SOPANAM', POST MALAPARAMBHA
KOZHIKODE

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE

1. SUB INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION
KOZHIKODE

2. STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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B.A.No.5562 of 2007

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Dated this the 17th day of September 2007

**O R D E R**

Application for anticipatory bail. The petitioner is a doctor who works in an Ayurvedic Hospital & Research Centre, Kozhikode. The crux of the allegations against him is that he had committed breach of the stipulations of the Foreigners Act in not having reported the stay of one foreign national in his hospital. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The in-patients were foreign nationals and the fact was reported to the authorities. There was a by-stander who was not residing in the hospital and therefore bona fide believing that his name need not be reported, his name was not reported. There was no wilful intentional omission to report. Inasmuch as such person was not residing at the hospital and undergoing treatment, his name was not reported. Anticipatory bail may, in these circumstances be granted to the petitioner, it is prayed.

3. The learned Public Prosecutor does not oppose the application and I am satisfied that directions under Section 438 Cr.P.C can be issued in favour of the petitioner.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 24/09/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on 25/09/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 24/09/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 24/09/2007.

**(R.BASANT, JUDGE)**

jsr

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007